



ELEMENT THREE

REVIEW ASSURANCES, JOB TRAINING PLANS, CONTRACTS AND POLICIES AND PROCEDURES (29 CFR 37.54(d)(1)(i) and (d)(2)(i), (iii) and (iv))

Washington State addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.20 – 37.22 and 37.54(d)(1)(i) and (d)(2)(i), (iii) and (iv) regarding the review of assurances, job training plans, contracts, and policies and procedures. Additionally, Washington State addresses the procedures it and its recipients are following and will continue to follow in assessing the ability of grant applicants, if funded, or training providers, if declared eligible, to comply with WIA Section 188 and 29 CFR Part 37.

Background

The State of Washington does not knowingly do business with any entity that discriminates. It is ESD's policy to include a nondiscrimination and equal opportunity statement in all training plans, contracts and agreements. In addition, policies issued at the state and local level reinforce the department's commitment to ensure nondiscrimination at all levels.

The state requires all grant applicants and training providers to adhere to the nondiscrimination provisions of WIA Section 188 regarding assurances of nondiscrimination and equal opportunity. The assurance commits the recipient to "comply fully with the nondiscrimination and equal opportunity provisions" of WIA and acknowledges the government's right to seek judicial enforcement of the assurance. The specific language for this assurance is found in 37.20 (a)(1). All recipients of WIA funds and training providers must also ensure that the required EO assurance language is included in all documents. Where necessary, language regarding both programmatic and architectural accessibility to accommodate individuals with disabilities is also included. The agency has issued guidance to the WDCs regarding these requirements, as referenced in the State Operations Plan. See Attachment 20 for Element 2.



METHODS OF ADMINISTRATION

Narrative

Within the Administrative Services Division of the Employment Security Department, the Contracts Office routinely reviews all contracts and agreements prior to finalization and execution. The agency requires all applications for federal financial assistance under WIA to include EO assurances, committing potential recipients and subrecipients to full compliance with the nondiscrimination and EO provisions of WIA. This office works together with the program staff to develop language that incorporates affirmative action/nondiscrimination clauses, EO assurances and sanctions in contracts, grant agreements, interagency agreements, personal service contracts, and requests for proposal processes where state and federal funds are expended for services. A contracting guide has been developed and is available on-line. The assurance language is included. (Attachments 3A and 3B-1 – 3B-2) The Workforce Investment Act Grant Agreements all contain Exhibit A, General Terms & Conditions, Part II, C. Assurances. (Attachment 3B-I) All ESD contracts contain Exhibit B, General Terms & Conditions, Part II, E. Assurances. (Attachment 3B-2)

Offices will be monitored through technical assistance visits or desk audits by the State/ESD EO Officer. On-site structural accessibility, parking for individuals with disabilities, designated restrooms, program accessibility and effective communication with persons with disabilities are some of the elements to be monitored.

ESD has issued guidance to the WDCs regarding EO assurances. (Attachment 3C-1) Assurance of compliance with these regulations is part of each WDC's local service delivery plan. Each recipient is expected to ensure that training plans, contracts, assurances and similar agreements are consistent with the EO and nondiscrimination provisions of WIA. (Attachments 3C2 – 3C3) Additional guidance regarding these requirements is issued by program staff.

Local-level EO Officers are required to monitor facilities for compliance in their respective Workforce Development Areas. WDAs are monitored for compliance by the State/ESD EO Officer and/or the Monitoring Unit. The State/ESD EO Officer's state oversight Monitoring Review Guide includes specific monitoring review guidelines to ensure that all plans and contracts contain the required assurance language. See Element 7.

The Washington State Employment Security Department and its partners have developed a Methods of Administration detailing the actions that have been taken and will be taken to ensure compliance with 29 CFR Part 37. This document will be updated every two years, and updates will be forwarded to the Civil Rights Center.



Documentation

Attachments for Element Three

3A Contracting Guide (February 28, 2000)

3B 1-WIA Grant Agreement (used in grants by WDAs)

2-General Terms and Conditions for Grant Agreements Under WIA

3C 1-December 21, 2000 Memo to Workforce Development Council Directors

Regarding Updated Language for Operations Plan

2-SkillsSource Contractor Agreement from the North Central Washington/Columbia Basin WDC

3-Addendum to the Memorandum of Understanding from the Southwest Washington WDC